

UNITED STATES DISTRICT COURT

for the

Northern District of IOWA

Division

Sarah Courtney Center

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Judge Casey Jones

Magistrate Jon Hammond

Chief Judge Patrick Grady

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Linn County District Court

Manning Police Department

Officer Nicole Hatz

Darrah's Towing

Case No.

19-cv-60-CJW-KEM

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☒ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Sarah Courtney Center
 Address* 209 Park Ct. SE (Missouri Hope Women's Shelter)
Cedar Rapids IA 52403
 City State Zip Code
 County Linn
 Telephone Number _____
 E-Mail Address scenter01@hotmail.com

Backup Address:
 John Center
 408 Sandy Knoll Dr.
 Correll, TX
 75019

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Judge Casey Jones
 Job or Title (if known) District Associate Judge of Linn Cty District Ct.
 Address 51 3rd Avenue Bridge
Cedar Rapids IA 52403
 City State Zip Code
 County Linn
 Telephone Number 319-398-3920
 E-Mail Address (if known) _____

☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name Magistrate John Hammond
 Job or Title (if known) Judge - Linn Cty District Ct.
 Address 51 3rd Ave. Bridge
Cedar Rapids IA 52401
 City State Zip Code
 County Linn
 Telephone Number 319-398-3920
 E-Mail Address (if known) _____

☒ Individual capacity ☒ Official capacity

Defendant No. 3

Name

Darrali's Towing

Job or Title (if known)

Address

1094 Robin's Rd

Hawatha

City

IA

State

522 33

Zip Code

County

Linn

Telephone Number

319-363-7900

E-Mail Address (if known)



Individual capacity



Official capacity

owner Carmela Darrali

Defendant No. 4

Name

Marion, IA Police Department/Nicole Hotz,

Job or Title (if known)

Police Officers

Brian Fink

Address

10315 Hwy 151

Cedar Rapids

City

IA

State

52302

Zip Code

County

Linn

Telephone Number

319-377-1511

E-Mail Address (if known)



Individual capacity



Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

4th Amendment } U.S. Constitution (The Americans with Disabilities Act
8th Amendment } 35.134, 35.170)
42 US Code 1983
18 US Code 241, 18 US Code 245, 18 US Code 249

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

It's against the Americans with Disabilities Act to exhibit brutal treatment toward me because I'm deaf. It's unlawful; also false arrest & using force. At the police to use

intimidation, interference, harassment, coercion, threats are unlawful under 45.174. ALSO, under 45.170 - the state doesn't have any jurisdiction if the state violated the ADA. The state sued me.

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed. I filed an appeal to Judge Jim Hammond's ruling that I had to pay the fines & lose my car.

Judge Casey Jones completely ignored my statement that Officer Nicole Hotz COMMITTED PERJURY AT BOTH COURT HEARINGS (28 Feb & 22 April 2019).

Both judges ignored the fact that I'm deaf & this is a hate crime committed not only by Officer Nicole Hotz but also by Hammond & Jones. The judges & all police officers are supposed to uphold BUS code 241, then didn't.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

They towed
my car

4th Amendment & 8th Amendment

Where did the events giving rise to your claim(s) occur?

21 Dec. 2018: Hotz violated 180S code 245 - federally protected activities (Library at Martin, IA) (look up 180S code 245 @ FBI)

Hotz, Fink & one other policeman used intimidation, threats, & potential use of a taser gun.

Judge Jim Hammond & Judge Casey Jones ignored my warning that

Officer Hotz lied before the court at two court hearings.

B. What date and approximate time did the events giving rise to your claim(s) occur?

21 Dec 2018: Hotz, et al: intimidation, threats, coercion, threats to use taser gun
180S code 245 - notation 22 April 2019 -

28 Feb 2019: Hotz committed perjury.

22 April 2019

Hammond refused to listen to me & forced me to pay the fines.

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

The judges ignored my witnessing the police officers' brutality & Hotz's perjury.

29 April 2019 - 28 May 2019 -
Appealed Jim Hammond's ruling.

Judge Casey Jones ignored evidence I presented for

- 1) Hotz claimed she received a phone call about me at the Martin, IA library my appeal on 21 Dec 2018.

She lied at both court hearings. She said she drove by & saw my tags.

2) She claimed she looked everywhere at the library - she lied. I was at the library lobby at 4:30-4:50 PM.

she said I was in my car. I filed an appeal about my car.

3) She claimed I don't have a Driver's ~~license~~ license. She lied.
I do. It's valid.

4) She claimed that "someone told her I need my driver's license
Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner) to get to shelter's food pantry."
She lied. I SAID THAT. She completely didn't acknowledge that
I said that ~~to~~ to her. I begged her for 15 min.
to give me my ID back.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

~~The~~ Judge Casey Jones completely ignored my testimony about HOTZ's perjury, He denied my appeal. I'm forced to pay the citations I can't afford to pay.

* He ignored the fact that my mother is seriously ill & is at a hospice in Texas. I asked him to drop all charges & to have towing fees dropped so that I could get my car back & go back to Texas to see my mother.

I want all charges dropped & that I don't have to pay anything.

I want to keep my driver's license & that no me - not any law enforcement officers & the court - remove the valid status of my DL.

I want all towing fees dropped.

I want my car & my keys back asap from Darrah's Towing.
If I lose my car & my driver's license, I will die out on the streets.

I need to find long-term women's shelter out of state (6 mos - 2 yrs).
I need time to find jobs to get back on my feet.
In the meantime, I really want to see my mother before it's too late.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 29 May 2019

Signature of Plaintiff

Printed Name of Plaintiff

Sarah Courtney Center
Sarah Courtney Center

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address